

REMARKS

Favorable reconsideration of this application, in light of the following remarks, is respectfully requested. Claims 1-4, 7-8, 10, 13-18, 20-23, 25-29, 31-34 and 36-40 are pending in this application. By this Request, no claims are amended cancelled or added. Claims 1, 15, 16, 17, and 18 are the independent claims.

Non-statutory Double Patenting Rejections

Applicants have filed a terminal disclaimer concurrently with the filing of this Request. Therefore, Applicants respectfully requests the rejection on the grounds of non-statutory obviousness-type double patenting be withdrawn.

Rejections under 35 U.S.C. § 103

Claims 1-4, 7, 8, 10, 13-18, 20-23, 25-29, 31-34 and 36-40 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ando in view of Seo et al. (US 2003/0235406, hereinafter “Seo”). Applicants respectfully traverse this rejection for the reasons detailed below.

Applicants submit that Seo is not a proper reference under 35 U.S.C. § 103(a). For instance, 35 U.S.C. § 103(c)(1) states “[s]ubject matter developed by another person, which qualifies as prior art only under one or more of subsection (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.” Applicants note that although Seo may qualify as prior art under §102(e), Seo is improper under §103 because Seo and the present application was subject to an obligation of assignment to the same person. In this case, both Seo and the present application are subject to an assignment to LG Electronics. Applicants direct the

Examiner attention to the assignment documents on file for both the present application and Seo. Therefore, because Seo is an improper reference under 103(a), Applicants submit that Ando fails to render claims 1-4, 7, 8, 10, 13-18, 20-23, 25-29, 31-34 and 36-40 unpatentable under 103(a) as obvious in view of Ando. Accordingly, Applicants request this rejection be withdrawn.

CONCLUSION

Accordingly, in view of the above remarks, reconsideration of the objections and rejections and allowance of each of claims Gary D. Yacura in connection with the present application is earnestly solicited.

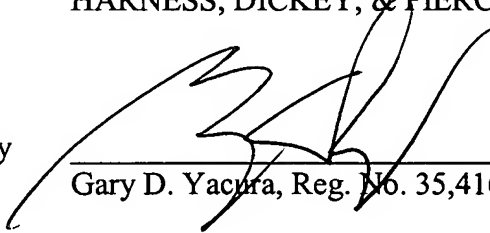
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Gary D. Yacura at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By



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